

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JONATHAN WARREN,

Plaintiff,

vs.

Civ. No. 12-1086 KG/LAM

EMERALD HEALTHCARE SYSTEMS;
EMERALD CORRECTIONAL MANAGEMENT, LLC;
WARDEN ARTHUR ANDERSON;
KAMERIN ST. CLAIRE;
TONI GARRET; DOCTOR JOHN DOE;

Defendants.

ORDER

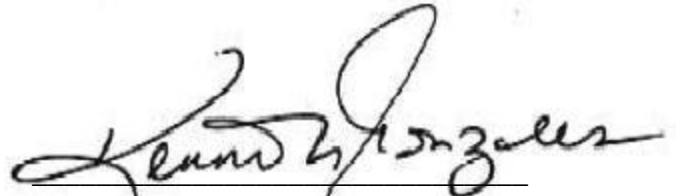
On January 29, 2013, Defendant Kameran St. Claire filed Defendant Kameran St. Claire's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) and Memorandum of Law in Support (Doc. 14) (Motion to Dismiss). A few days later, on February 5, 2013, Plaintiff filed an Amended Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights (Doc. 22) (Amended Complaint). Then, on February 12, 2013, Plaintiff filed Plaintiff's Response to Defendant Kameran St. Claire's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) and Memorandum of Law in Support (Doc. 25). Defendant St. Claire filed Defendant St. Claire's Reply to her Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) (Doc. 30) (Reply) on March 4, 2013.

In her Reply at ¶ 2, Defendant St. Claire acknowledges that the Plaintiff "clarified and limited the claims made against" her in the Amended Complaint. Defendant St. Claire further states that she "does not believe that a hearing on the Motion to Dismiss is necessary at this time. Therefore, a hearing on this matter will not be requested. *Id.* at ¶ 3. The Court interprets this

statement to mean that Defendant St. Claire believes that the Motion to Dismiss is now moot.

Consequently, the Court determines that it is appropriate to deny the Motion to Dismiss as moot.

IT IS ORDERED that Defendant Kameran St. Claire's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) and Memorandum of Law in Support (Doc. 14) is denied as moot.



UNITED STATES DISTRICT JUDGE